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**COUNSEL FOR THE UNITED STATES
OF AMERICA, PLAINTIFF**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,) Case NO. C11-6567 MEJ
Plaintiff,)
v.)
DAVID H. HATAMI,)
Defendant.)

MOTION FOR ORDER
EXTENDING TIME FOR DISPOSITIVE
MOTIONS TO BE FILED AND HEARD;
ORDER THEREON

Motion for Summary Judgment
Filing due date: October 25, 2012
Time: 10:00 A. M.
Place: Courtroom B, 15th Floor
Chief Magistrate Judge
Maria-Elena James
450 Golden Gate Avenue
San Francisco, CA 94102

MOTION FOR ORDER EXTENDING TIME FOR DISPOSITIVE MOTIONS TO BE FILED AND HEARD; ORDER THEREON

22 The above entitled plaintiff, through its attorney of record, hereby moves the
23 court for an order extending time for dispositive motions to be filed by March 14, 2013,
24 to be heard on April 18, 2013.

25 In its Case Management Conference order entered July 2, 2012, the court
26 ordered that dispositive motions shall be filed by October 25, 2012, to be heard on
27 November 29, 2012.

28 The reason for this request is that the plaintiff is unable to file its motion

1 for summary judgment by October 25, 2012, due to the workload placed on the US
2 Department of Education's Loan Analysts (Custodian of Records). The Department is
3 3 months behind in its efforts to confirm drafts of declarations in support of motions
4 because, simply put, there are not enough loan analysts, all of whom are located in
5 San Francisco, CA, to handle the entire country's requests for declarations timely; it is
6 roughly estimated that an additional 2 ½ to 3 ½ months is required for the declaration
7 to be finalized, where after the other pleadings for the motion, based upon the final
8 draft of the custodian's declaration, must be drafted by counsel for plaintiff.

9 On October 12, 2012, counsel for plaintiff sent an email (the attorneys have
10 been communicating by email immediately subsequent to the filing of defendant's
11 answer) to counsel for defendant requesting that defendant stipulate to an order
12 extending the time by approximately 90 days for the parties to file dispositive motions.
13 Six days has passed and counsel for defendant has not responded to this request.
14 Therefore, plaintiff submits its motion for an order extending the time for the parties to
15 file and have heard dispositive motions.

16 October 18, 2012

/s/
Michael Cosentino
Counsel for plaintiff

18 **ORDER**

19 The foregoing motion having been considered, the matter having been
20 submitted and good cause therefor,

21 THE COURT ORDERS THAT the order entered July 2, 2012, stating that
22 dispositive motions shall be filed by October 25, 2012, to be heard on November 29,
23 2012, be and hereby is vacated.

24 THE COURT FURTHER ORDERS THAT dispositive motions shall be filed by
25 March 14, 2013, to be heard on April 18, 2013.

27 DATED October 29, 2012


Maria-Elena James, Chief Magistrate Judge
United States District Court

CERTIFICATE OF SERVICE BY MAIL

I am a citizen of the United States and a resident of the County of Alameda, I am over the age of eighteen and not a party to the within above-entitled action; my business address is: PO Box 129, Alameda, CA 94501.

On October 18, 2012, I served the attached

plaintiff's MOTION FOR ORDER EXTENDING TIME FOR DISPOSITIVE

MOTIONS TO BE FILED AND HEARD; ORDER THEREON on the parties in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office box at Alameda, California addressed as follows:

11 Vijay K. Toke
12 Attorney at Law
13 Haring + Smith, LLP
101 Lucas Valley Road, Suite 300
San Rafael, CA 94903

I certify under penalty of perjury that the foregoing is true and correct.

Executed on October 18, 2012, at Alameda, California.

s/s
MICHAEL COSENTINO